

Kimberly E. Colwell (SBN: 127604)  
[kcolwell@meyersnave.com](mailto:kcolwell@meyersnave.com)  
Kimberly M. Drake (SBN: 209090)  
[kdrake@meyersnave.com](mailto:kdrake@meyersnave.com)  
MEYERS, NAVE, RIBACK, SILVER & WILSON  
555 12<sup>th</sup> Street, Suite 1500  
Oakland, CA 94607  
Telephone: (510) 808-2000  
Facsimile: (510) 444-1108

Attorneys for Defendants  
CITY OF DALY CITY, CHIEF OF POLICE GARY S. MCLANE (RET.), DALY CITY POLICE  
OFFICER ANDRADE, DALY CITY POLICE OFFICER KEYES, DALY CITY POLICE OFFICER  
KRANZ, and DALY CITY POLICE OFFICER O'ROURKE

David J. Beauvais (SBN: 84275)  
Law Office of David J. Beauvais  
409 Thirteenth Street, 20th Floor  
Oakland, California 94612  
Telephone: (510) 832-3605  
Facsimile: (510) 832-3610  
email: davebeau@pacbell.net

Attorney for Plaintiff  
MARK ENNIS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK ENNIS,

Plaintiff,

v.

CITY OF DALY CITY et al.,

Defendants.

Case No: C 09-05318 MHP

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING TRIAL DATE AND  
ASSOCIATED DATES**

Complaint Filed: January 22, 2010

1 Plaintiff MARK ENNIS, and Defendants CITY OF DALY CITY, CHIEF OF POLICE GARY  
2 S. MCLANE (RET.), DALY CITY POLICE OFFICER ANDRADE, DALY CITY POLICE  
3 OFFICER KEYES, DALY CITY POLICE OFFICER KRANZ, and DALY CITY POLICE OFFICER  
4 O'ROURKE, by and through their attorneys of record ("the Parties"), hereby jointly agree and  
5 stipulate as follows:

6 1. The Parties participated in a Settlement Conference with Magistrate Judge James  
7 Larson yesterday. The case did not settle but the Parties are not opposed to continuing informal  
8 settlement negotiations.

9 2. Trial in this matter is currently set for January 2011 and pretrial deadlines are fast  
10 approaching.

11 3. On June 30, 2010, with leave of Court, plaintiff filed a Second Amended Complaint  
12 adding several new parties, facts, and claims.

13 4. A Summons to defendants 1-A Agricultural Association, Walter Haub, Diana Colvin,  
14 Valery Laxamana, Carson & Barnes Circus, Gustavo Parra-Bello, Carlos Olmos and Jose Vargas Diaz  
15 was filed on August 23, 2010.

16 5. Daly City Police Officer Captain Wollman, who has also been named as an additional  
17 defendant, has not yet been served or appeared in the case.

18 6. Until all new parties have been served and appear in the case, the pleadings will not be  
19 settled.

20 7. Until all new parties have been served and appear in the case, there is a risk that  
21 depositions, currently scheduled to go forward over the next several weeks, will have to be re-taken,  
22 resulting in undue waste.

23 8. To promote judicial economy and avoid unnecessary costs, the Parties agree and  
24 stipulate that a further Case Management Conference should be scheduled in approximately 60-90  
25 days to allow all parties time to appear in the case and participate in formulating a Supplemental Joint  
26 Case Management Conference Statement and Proposed Scheduling Order for the further handling of  
27 this case. The Parties further agree and stipulate that the January 18, 2011 trial date, and all associated  
28

and pending pretrial and trial dates including, but not limited to, the 1) date for completion of non-expert discovery, 2) expert disclosures and completion of expert discovery, and 3) the date for filing and hearing all dispositive motions, should be vacated.

**IT IS SO STIPULATED.**

Dated: August 26, 2010

MEYERS, NAVE, RIBACK, SILVER & WILSON

By: /s/ Kimberly M. Drake  
Kimberly E. Colwell  
Attorneys for Defendants  
CITY OF DALY CITY, CHIEF OF POLICE  
GARY S. MCLANE (RET.), DALY CITY  
POLICE OFFICER ANDRADE, DALY CITY  
POLICE OFFICER KEYES, DALY CITY  
POLICE OFFICER KRANZ, and DALY CITY  
POLICE OFFICER O'ROURKE

Dated: August 26, 2010

LAW OFFICE OF DAVID J. BEAUVAIS

By: /s/ David J. Beauvais  
David J. Beauvais  
Attorneys for Plaintiff  
MARK ENNIS

**ORDER**

The Court hereby adopts the stipulation of the Parties and orders as follows:

The January 18, 2011 Jury Trial and January 12, 2011 Pretrial Conference are hereby  
VACATED;

All other deadlines are vacated;

The Parties shall appear at a further Case Management Conference on November 22, 2010 at 3:00 p.m.

The Parties submit a Supplemental Joint Case Management Conference no later than  
November 15, 2010.

**PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.**

Date: 8/27/2010

Marilyn H. Patel  
United States

